

Application No. 10/578,150
Amendment dated October 29, 2008
Reply to Office Action of September 29, 2008

Docket No.: 3449-0619PUS1

AMENDMENTS TO THE DRAWINGS

Applicant has amended the drawings to include a Background Art label on Figures 1 and

2. No new matter has been entered.

Attachment: Replacement sheets

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-39 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Claim Amendments

Applicant has amended the claims to correct minor typographical and punctuation errors. No new matter has been entered.

Amendments to the Abstract

Applicant has amended the Abstract to correct a typographical error and to place it in better form for examination. No new matter has been entered.

Drawings

Applicant has amended Figures 1 and 2 to add a "Background Art" legend. No new matter has been entered.

Election Requirement

The Examiner has set forth an Election of Species Requirement as follows:

<u>Species</u>	<u>Figure(s)</u>
1	3
2	5

In order to comply with the Examiner's Election of Species Requirement, Applicant provisionally elects Species 1, Figure 3, readable on claims 1-18 and 25-27 for prosecution in the present application. Currently, at least claim 1 is generic. Applicant reserves the right to file a Divisional application directed to the non-elected claims at a later date, if so desired.

This requirement for election of species is respectfully traversed for the reasons set forth below.

As set forth in 37 C.F.R. § 1.146, a reasonable number of species are permitted in a single application. The present application contains two species, which should be considered to be a reasonable number of species. Otherwise, the rule would be "only one species is permitted per application." However, this appears to be the way that the Examiner is interpreting Rule 146, which is clearly contradictory to the express language of the rule. Further, examination of both species together in one application would not place an undue burden on the Examiner. It is respectfully submitted that the Examiner's Election of Species Requirement is improper in view of the fact that a reasonable number of species are set forth in the present application, and such is permitted by Rule 146.

Accordingly, in view of the above remarks, reconsideration of the requirement for election of species, and an action on all of the claims in the application, are respectfully requested.

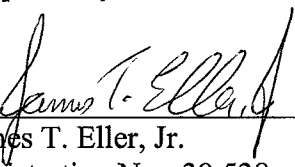
Favorable action on the present application is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 29, 2008

Respectfully submitted,

By 
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Attachments: Replacement Drawing Sheets (Figures 1 and 2)